

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA 67/2018 in
OA No.2284/2017
CP 223/2018
MA 1774/2018

Reserved on: 28.05.2018
Pronounced on: 06.06.2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

RA 67/2018

A.K. Bhardwaj, Aged 60 years
S/o Shri S.L. Bhardwaj
Retired from the post of Deputy Director of Operations
Directorate General of Civil Aviation, New Delhi
R/o 1299, Sector 12, R.K. Puram
New Delhi

....Applicant

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
New Delhi-110003
 2. Under Secretary to the Govt. Of India
Ministry of Civil Aviation,
B-Block, Rajiv Gandhi Bhawan,
New Delhi-110003
 3. The Director General
Directorate General of Civil Aviation,
Opposite Safdarjung Airport,
New Delhi-110003
-Respondents

(Through Shri R.K. Sharma, Advocate)

CP 223/2018

A.K. Bhardwaj, Aged 60 years
 S/o Shri S.L. Bhardwaj
 Retired from the post of Deputy Director of Operations
 Directorate General of Civil Aviation, New Delhi
 R/o 1299, Sector 12, R.K. Puram
 New DelhiApplicant

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Shri Rajiv Nayan Choubey,
 Secretary,
 Ministry of Civil Aviation,
 Rajiv Gandhi Bhawan,
 New Delhi-110003
2. Shri Arun Misra
 Director General
 Directorate General of Civil Aviation,
 Opposite Safdarjung Airport,
 New Delhi-110003Respondents

(Through Shri R.K. Sharma, Advocate)

ORDER**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

RA 67/2018 and CP 223/2018 in OA 2284/2017 were heard together and, therefore, they are being disposed of by this common order.

2. CP 223/2018 was filed by the applicant for non-compliance of the order of the Tribunal dated 7.12.2017. The relevant portion of the order is quoted as under:

"7..... Accordingly, the OA is allowed. The impugned penalty order dated 29.06.2017 and charge sheet dated 18.10.2012 are quashed and set aside. The respondents are directed to open the sealed cover of the applicant and if he is found fit, promote him to the post of Joint Director General from the date his junior was promoted with all consequential benefits. Time calendared for compliance of the order of this Tribunal is two months from the date of receipt of a copy of this order. No costs."

3. Notice was issued in CP on 12.04.2018 and the matter was listed for 18.05.2018. On 18.05.2018, learned counsel for the respondents stated that respondents have filed RA in this matter, which is scheduled to be listed on 28.05.2018. Accordingly, it was directed that CP and RA shall be heard together on 28.05.2018.

4. Today, both CP and RA were listed before us.

5. Learned counsel for the respondents very fairly stated that the respondents are in the process of compliance of the order of this Tribunal dated 07.12.2017 but a practical problem is arising as the sealed cover proceeding in respect of the applicant were undertaken by the UPSC for the post of Director of Operations and not for the post of Joint Director General and the suitability of the officer (applicant) was put under sealed cover given the pendency of vigilance case. He also stated that, therefore, on opening of the sealed cover, if

the applicant is found suitable he can be promoted to the post of Director of Operations only and not to the post of Joint Director General. He further states that only on this count, RA has been filed by the respondents. He prays that this ambiguity may be cleared in the judgment dated 07.12.2017 and the respondents be directed to promote the applicant if he is found suitable after opening the sealed cover to the post of Director of Operations and not to the post of Joint Director General.

6. Learned counsel for the applicant states that this is nothing but delay tactics on the part of the respondents.

7. We have seen our order dated 07.12.2017 passed in OA 2284/2017. Accordingly, we dispose of RA 67/2018 as well as CP 223/2018 directing the respondents to promote the applicant in the light of our earlier order dated 7.12.2017 as per the hierarchy from the date his junior was promoted with all consequential benefits, within two months from the date of receipt of a certified copy of this order.

8. RA and CP are disposed of. Notices issued to the respondents in CP are discharged.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/dkm/